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individually and on behalf of the Estate of Maximiliano
Sosa, Jr., and Maximiliano Sosa, Sr.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

MARTHA ZEPEDA OLIVARES,
INDIVIDUALLY AND ON BEHALF OF
THE ESTATE OF MAXIMILIANO SOSA,
JR.; MAXIMILIANO SOSA, SR.

Plaintiff(s),

v.

CITY OF FRESNO; UNKNOWN LAW
ENFORCEMENT OFFICERS, AND DOES 1-
30

Defendant(s).

Case No.: 1:23-cv-01575-JLT-SAB

Assigned to: The Hon. Jennifer L. Thurston

**PLAINTIFF'S REPONSE TO ORDER AND
NOTICE OF STATUS OF SERVICE**

TO THE HONORABLE COURT:

Plaintiffs MARTHA ZEPEDA OLIVARES, individually and on behalf of the Estate of Maximiliano Sosa, Jr., and MAXIMILIANO SOSA, SR. (hereinafter "Plaintiffs"), through their undersigned attorney, hereby submit this response to the Court's Order dated February 8, 2024, (Dkt. 22) and accompanying report addressing the status of this action and the service on defendant City of Fresno.

Plaintiffs filed this action on November 7, 2023, only three days after the subject fatal shooting incident, only due to emergent necessity. Specifically, it was necessary to file this action at the time in order to secure an *ex parte* order permitting plaintiffs to perform a private

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1 autopsy on the corpse of decedent Maximiliano Sosa, Jr. Indeed, this action was filed as early as
 2 it was just for the purpose of facilitating the obtaining of the private autopsy order.

3 At the time this action was filed, plaintiffs' counsel's factual and legal investigation was
 4 in its early stages. This action was also filed prior to the City of Fresno's receipt and rejection of
 5 plaintiffs' claim for damages, which is a prerequisite for the inclusion of any state law claims
 6 under California Government Code § 900, *et seq.* This action was also filed before related state
 7 court proceedings could be filed and essential provisional orders could be obtained. Indeed,
 8 upon filing of the original complaint, plaintiffs' counsel informed the Fresno City Attorney's
 9 Office that the City of Fresno was intentionally not being served yet, for all these reasons, and
 10 that an amended complaint would be filed as a matter of right pursuant to Federal Rule of Civil
 11 Procedure 15(a) prior to service.

12 The original complaint must now be amended. Plaintiffs have diligently moved forward
 13 with their investigation and will be able to make more specific and detailed factual allegations.
 14 Additionally, plaintiffs anticipate obtaining necessary provisional orders from the Fresno
 15 Superior Court in May 2024. Furthermore, plaintiffs' claim for damages has now been
 16 submitted and rejected, which will enable additional state law claims to be included.

17 An amended complaint including more specific factual allegations, updated federal
 18 claims, and additional state law claims will be filed on or before March 31, 2024, which is still
 19 only seven months since the decedent's death. Plaintiffs' counsel assures the Court that his
 20 office is working diligently to submit this amended pleading.

21 Accordingly, plaintiffs request until May 31, 2024 to file their amended complaint, which
 22 will be thereafter promptly served on all named defendants within 30 days, i.e., by June 30,
 23 2024.

24 Dated: February 13, 2024

LAW OFFICE OF KEVIN G. LITTLE

/s/ Kevin G. Little

Kevin G. Little
 Attorneys for Plaintiff Martha Zepeda
 Olivares, individually and on behalf of the
 Estate of Maximiliano Sosa, Jr., and
 Maximiliano Sosa, Sr.

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